

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SERGIO DIAZ-ORTIZ,

Defendant.

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Case No. 16-05026-01-CR-SW-MDH

ORDER

Before the Court is the Defendant's Motion to Suppress Evidence. (Doc. 46), the Government's Response in Opposition to the Defendant's Motion to Suppress (Doc. 47), the Report and Recommendation of United States Magistrate Judge (Doc. 70), and Defendant's Exceptions to the Magistrate's Report and Recommendation (Doc. 76). The Court also has reviewed the electronic transcript from the December 21, 2016, hearing before the United States Magistrate Judge on the motion to suppress. (Doc. 57).

After a careful and independent review of the parties' submissions, the Report and Recommendation, and Defendant's objections to the same, this Court agrees with and **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Doc. 70) in full. Accordingly, the Court **GRANTS in part** and **DENIES in part** Defendant's Motion to Suppress. (Doc. 46). Defendant's statements made to officers after the warrantless entry, but before the execution of the search warrant are **SUPPRESSED**. Defendant's motion to suppress any other evidence or statements is **DENIED**.

IT IS SO ORDERED.

DATED: August 15, 2017

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE